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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,733	11/14/2001	Raymond V. Damadian	260/125	8924
7590 KAYE SCHOLER LLP 425 PARK AVENUE NEW YORK, NY 10022-3598		01/09/2008	EXAMINER VARGAS, DIXOMARA	
			ART UNIT 2859	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/992,733

Applicant(s)

DAMADIAN ET AL.

Examiner

Dixomara Vargas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28,30,31,65-79 and 81-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18,28,30,31,65,79,81-85,87-89 and 96-98 is/are allowed.
- 6) ☒ Claim(s) 19-23,25,26,66-69,90,92,93,95 and 99 is/are rejected.
- 7) ☒ Claim(s) 24,27,70-78,86,91 and 94 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-23, 25-26, 66, 67, 95 and 99 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferut et al. (US 5,432,449 A).

With respect to claim 19, Ferut discloses a test fixture for use in a magnetic resonance imaging system (test fixture #50 as seen on Figures 1 and 4) comprising: a body portion (Figure 4, #54) configured to be mechanically connected to a magnetic resonance imaging system during imaging (Column 4, lines 48-52); a member having a first end connected to the body portion and a second end distanced from the body portion (mounting plate #54 in Figure 4 receives bottom end of #52 which is considered as the first end and top of #52 which is considered to be the second end is at a distance from the bottom connected to the base); and a coil supported by the member (coil #64 supported by #52 inserted into #54).

3. With respect to claim 20, Ferut discloses the coil is supported by the member proximate the second end of the member (Figure 4, #54 proximate to bottom of #52).

4. With respect to claim 21, Ferut discloses a container (Figure 4, #55) supported by the member (#52), proximate the coil (Figure 5, #64); and a test substance with the container, the test substance being capable of emitting a magnetic resonance signal (Column 4, lines 34-49).

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5. With respect to claim 22, Ferut discloses the container is within a coil (Column 4, lines 40-43).
6. With respect to claim 23, Ferut discloses the test substance is chosen from the group consisting of petroleum jelly, water, salt-water and nickel chloride (Column 4, lines 34-49).
7. With respect to claim 25, Ferut discloses a second coil wound around the body portion (Figure 4, array of #52 structures).
8. With respect to claim 26, Ferut discloses the body portion (#54) comprises first and second members (array #52), the first member defining an opening for slidably receiving at least a portion of the second member (Column 4, lines 48-68; Figure 4, #52 member stacked on the top opening of the other #52 member).
9. With respect to claim 66, Ferut discloses the first and second ends (Figure 4, left and right sides which are considered to be the first and second ends respectively along the length of the base #54) being configured to be mechanically connected to a magnetic resonance imaging system (Column 4, lines 48-52).
10. With respect to claim 67, Ferut discloses at least one of the first and second coils is electrically connected to at least one of the first and second ends (Column 6, lines 16-25); and the at least one of the ends is adapted to be electrically connected to the magnetic resonance system (Column 4, lines 48-52).
11. With respect to claim 95, Ferut discloses a first portion of the body portion is configured to be mechanically connected to the MRI system (Column 4, lines 48-62); and a second portion of the body portion is configured to be electrically connected to the MRI system (Column 6, lines 16-25).

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12. With respect to claim 99, Ferut discloses the body portion has a longitudinal axis and first and second ends along the longitudinal axis (Figure 4, left and right sides which are considered to be the first and second ends respectively along the length of the base #54 wherein the longitudinal axis not shown will be parallel to the patients table), and at least one of the first and second ends being configured to be mechanically connected to a magnetic resonance imaging system during imaging (Column 4, lines 48-52).

13. Claims 68, 69, 90 and 92-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinks et al. (US 6,492,815 B2).

With respect to claim 68, Hinks discloses a test fixture comprising (Figure 1, #20): a base having an axis (frame #27); a first coil coupled to the base in a first orientation with respect to the axis; and a second coil coupled to the base in the second orientation different from the first orientation, with respect to the axis (induction coils #24 and RF coil #26 located at orthogonal orientation from each other); wherein the fixture is configured to be mechanically connected to an MRI system during imaging (Column 3, lines 61-65).

14. With respect to claim 69, Hinks discloses the first coil is wound around a second axis, the second axis being along a first direction; and the second coil is wound around a third axis, the third axis being along a different direction than the second axis (Figure 1).

15. With respect to claim 90, Hinks discloses a portion of the fixture (#20) is configured to be mechanically connected to the MRI system (Column 3, lines 61-65).

16. With respect to claims 92 and 93, Hinks discloses a portion of the fixture (#20) is configured to be electrically connected to the MRI system (Column 2, lines 15-32).

Allowable Subject Matter

17. Claims 1-18, 28, 30-31, 65, 79, 81-85, 87-89, and 96-98 are allowed.
18. The following is an examiner's statement of reasons for allowance:
 - a. With respect to claim 1, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture for use in a MRI system comprising a second coil supported by the longitudinal member, the second coil being wound around a fourth axis along a third direction transverse to the first direction in combination with the remaining limitations of the claim.
 - b. With respect to claims 2-15, 65, 85, 96-97, the claims have been found allowable due to its dependency on claim 1 above.
 - c. With respect to claim 16, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture for use in a MRI system comprising a third longitudinal member pivotally connected to the body portion about a pivot having an axis perpendicular to the first longitudinal axis and being rotatable between the first position and a second position in combination with the remaining limitations of the claim.
 - d. With respect to claims 17-18 and 84, the claims have been found allowable due to its dependency on claim 16 above.
 - e. With respect to claim 28, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture for use in a magnetic resonance imaging system comprising: a first and second members may be

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moved with respect to each other to adjust the length of the body portion in combination with the remaining limitations of the claim.

f. With respect to claims 30, 31, 87-89 and 98, the claims have been found allowable due to its dependency on claim 28 above.

g. With respect to claim 79, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest the text fixture for use in a magnetic resonance imaging system comprising: a member rotatable from a first position to a second position wherein the rotation of the member positions the second longitudinal axis of the second coil along a direction transverse to the first direction in combination with the remaining limitations of the claim.

h. With respect to claims 81-83, the claims have been found allowable due to its dependency on claim 79 above.

19. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

20. Claims 24, 27, 70-78, 86, 91 and 94 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter:

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- i. With respect to claim 24, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture for use in a a magnetic resonance imaging system comprising a member pivotally connected to the body portion in combination with the remaining limitations of claims 19-23 above.
- j. With respect to claim 27, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture for use in a a magnetic resonance imaging system comprising a coil wound around the first member in combination with the remaining limitations of claims 19-21, 25 and 26 above.
- k. With respect to claim 70, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture comprising a member coupled to the base; wherein the second coil is coupled to the member in combination with the remaining limitations of claims 68 and 69 above.
- l. With respect to claim 71-74, 78 and 86, the claim has been found allowable due to its dependency on claim 70 above.
- m. With respect to claim 75, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture comprising a base comprising a first and second telescoping members, and the first coil is supported in the one of the telescoping members in combination with the remaining limitations of claim 68 above.
- n. With respect to claims 76 and 77, the claim has been found allowable due to its dependency on claim 75 above.

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- o. With respect to claim 91, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture comprising a portion of the fixture configured to be pivotally connected to the MRI system in combination with the remaining limitations of the claims 68 and 90 above.
 - p. With respect to claim 94, the claim has been found allowable over the prior art of record because the prior art of record fails to teach or fairly suggest a test fixture comprising first and second coils electrically connected to the portion of the fixture configured to be electrically connected to the MRI system in combination with the remaining limitations of claims 68 and 93 above.
22. The indicated allowability of claim 95 is withdrawn in view of the further consideration of reference(s) to Ferut et al. (US 5,432,449 A). Rejections based on the cited reference(s) above.

Response to Arguments

23. Applicant's arguments filed 01/03/07 have been fully considered but they are not persuasive.
24. Applicant argues that Ferut fails to teach or fairly suggest the fixture to be mechanically connected to the MRI system during imaging.
25. The examiner disagrees with applicant's argument because Ferut discloses the fixture being clamped to the patient's cradle #18 which is part of the MRI system as seen on Figure 1 (Column 4, lines 48-52). Since the fixture is clamped to the patients table and fastened by screws #80 as seen on Figure 5 (Column 5, lines 37-54), the fixture is considered to be

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mechanically connected. Furthermore, the fixture is connected during operation since the fixture itself holds a sample or test substance (Abstract). If applicant intends that the test fixture is to be used while imaging a patient, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the test fixture to be connected to the MR system while imaging a patient) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

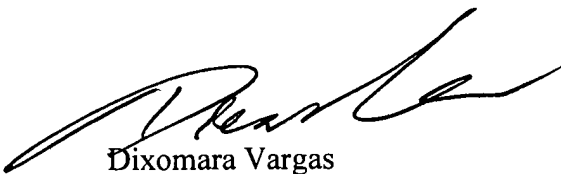
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dixomara Vargas whose telephone number is (571) 272-2252.

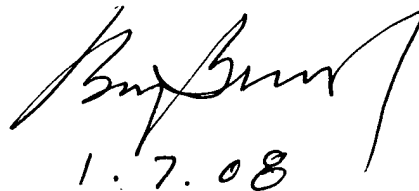
The examiner can normally be reached on Monday to Thursday from 8:00 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dixomara Vargas
Examiner
Art Unit 2859


1. 7. 08

BRIJ SHRIVASTAV
PRIMARY EXAMINER